

CHAPTER 12

VEHICLE REGULATIONS

SECTION 12.01 VEHICLE CODE.....	12.01-1
(a) State Traffic Laws Adopted.....	1
(b) State Administrative Code Provisions Adopted.....	2
SECTION 12.02 TRAFFIC MAP AND SIGNS.....	12.02-1
(a) Official Traffic Map.	1
(b) Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.	1
SECTION 12.03 REGULATION OF PARKING	12.03-1
(a) No Parking Areas.	1
(b) Penalty.....	1
(c) Stipulation.	1
(d) Removal of Vehicle.....	1
(e) Abandoned Vehicles.....	2
SECTION 12.04 SPEED LIMITS ON TOWN ROADS	12.04-1
SECTION 12.05 RESERVED	
SECTION 12.06 LOW SPEED NEIGHBORHOOD VEHICLES	12.06-1
(a) Authority and Purpose.	1
(b) Low-speed Vehicles Permitted.	1
(c) Requirements.	1
(d) Penalties.	2
(e) Severability.	2

SECTION 12.01 **VEHICLE CODE****(a) State Traffic Laws Adopted.**

(1) Statutes Adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. Chapters 340 to 349, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Dekorra, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

(2) Other State Laws Adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Wis. Stats. Chapters 340 to 348 and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

941.01	Negligent Operation of Vehicle Off Highway
941.03	Highway Obstruction
943.11	Entry into Locked Vehicle
943.23	Operating Motor Vehicles Without Owners Consent
947.045	Drinking in Motor Vehicle on Highway

(3) Statutes Specifically Incorporated by Reference. Whenever this Chapter incorporates by reference specific Sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1997-98 as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.

(4) General References. General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

(b) **State Administrative Code Provisions Adopted.**

- (1) Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Admin. Code - TRANS 146	Vehicle Registration and Fuel Trip Permits [Penalties of Wis. Stats. §§ 341.04(3) and 341.45(b) apply]
Wis. Admin. Code - TRANS 302	Vehicle Marking
Wis. Admin. Code - TRANS 305	Standards for Vehicle Equipment
Wis. Admin. Code - TRANS 328	Motor Carrier Safety Requirements for Intrastate Transportation of Hazardous Materials
Wis. Admin. Code - TRANS 300	Transportation of School Children
Wis. Admin. Code - TRANS 304	Slow Moving Vehicle Emblem

- (2) Non-Compliance Prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Wis. Stats. § 110.075 and Wis. Stats. Chap. 347, incorporated by reference in Section 12.01(a) of this Chapter.
- (3) Owner's Liability. Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Wis. Stats. § 347.04, relating to nonapplicability of demerit points, shall apply to owners convicted of a violation of this Section.
- (4) Safety Checks.
- (A) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

- (B) Authority of Officer. Any law enforcement officer of the Town is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (C) Vehicle to be Removed From Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Wis. Stats. § 110.075(5), and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (5) Penalty. The penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 1.03 of this Code, together with the costs of prosecution and any applicable assessments.

History Note: Adopted through codification, 12/28/99.

SECTION 12.02 **TRAFFIC MAP AND SIGNS****(a) Official Traffic Map.**

- (1) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Town of Dekorra upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this Chapter, as from time to time amended or modified by the Town Board when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
- (2) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Chapter.
- (3) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the Town Hall.
- (4) Additions to Map. The Town Board may from time to time make additions to or deletions from the Official Traffic Map and the Constable shall keep such Official Traffic Map current.

(b) Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (1) Duty to Erect and Install Uniform Traffic Control Devices. Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 12.01, require the erection of traffic control devices for enforcement, the Town Board, with the cooperation of the Constable, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Board or its designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Dekorra.
- (2) Code Numbers to be Affixed to Official Traffic Control Devices. The Town Board or its designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (1), a code number

assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- (3) Prohibited Signs and Markers In Highways. No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (4).
- (4) Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices. The Town Board, or its designee, may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reviewed by the Town Board at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as are other special municipal taxes.

State Law Reference: Wis. Stats. §§ 346.41 and 349.09.

History Note: Adopted through codification, 12/28/99.

SECTION 12.03 **REGULATION OF PARKING**(a) **No Parking Areas.**

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any of the following places in the Town, except when necessary to avoid conflict with other traffic or to comply with the directions of a traffic officer or traffic control sign or signal:

- (1) On or along the westerly side of any Town access road to Lake Wisconsin off of Beach Garden Road or County Trunk V within a distance of 100 feet from the water's edge.
- (2) On or along either side of Beach Garden Road within 500 feet from the westerly point of termination of said road.
- (3) On or along either side of Oak Knoll Road within 100 feet from the northerly point of termination of said road.
- (4) On or along the circumference of any Town road cul-de-sac bulb.
- (5) On or along the east side of Perry Street south from its intersection with Corning Street 100 feet. **[Created by Ord. 2009-10, 8/11/09.]**
- (6) On or along the south side of Corning Street east from its intersection with Perry Street 150 feet. **[Created by Ord. 2009-10, 8/11/09.]**
- (7) On or along the north side of Corning Street from its intersection with Willow Avenue west 348 feet. **[Created by Ord. 2009-10, 8/11/09.]**

(b) **Penalty.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day a vehicle remains in violation of this Ordinance shall constitute a new and separate offense for the purposes of this Ordinance.

(c) **Stipulation.**

A stipulation of guilt or no contest may be made in accordance with Wis. Stats. § 66.12(1)(b) by delivery of the amount of the forfeiture, together with a copy of the parking ticket, to the Town Clerk within five days of the date of the alleged violation.

(d) **Removal of Vehicle.**

In addition to the penalties provided above, if a vehicle is parked in violation of this Ordinance and is causing a hazard to traffic or has been parked for more than six hours in violation of this Ordinance, the said vehicle may be moved at the direction of a designated agent of the Town. The violator shall be required to pay any expense of removing the

parked vehicle and to pay storage accruing up to the time the vehicle is released to the violator before the said vehicle is released to him.

(e) **Abandoned Vehicles.**

(1) **Definitions.**

- (A) **Street.** Any public highway or alley or the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (B) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
- (C) **Vehicle.** A motor vehicle, trailer, semi-trailer, or mobile home, whether or not such vehicle is registered under state law.

(2) **Abandonment Prohibited.**

- (A) **Generally.** No person shall leave unattended any vehicle on any public street or highway or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway or public property without the permission of the government charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (B) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
 - (i) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during the forty-eight (48) hours.
 - (ii) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground is deemed abandoned and constitutes a nuisance. However, the vehicle shall not be deemed abandoned under this Section if it is left unattended on private property outside of public view and if it is enclosed within a building or if it is designated as not abandoned by an authorized Town official.

- (C) Exceptions. This Subsection shall not apply to a vehicle in an enclosed building or to a vehicle parked in a paid parking lot or space where the required fee has been paid.
- (3) Removal and Impoundment. Any vehicle in violation of this Section shall be removed and impounded until lawfully claimed or disposed of as provided in Subsection (e)(4) of this Ordinance.
- (4) Removal, Storage, Notice, or Reclamation of Abandoned Vehicles.
 - (A) Applicability. This Subsection shall apply to the removal, storage, notice, reclamation, or disposal of abandoned vehicles.
 - (B) Removal. Any authorized Town official who discovers any vehicle on any public street or highway or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (C) Storage and Reclamation. Any vehicle determined by the authorized Town official to be abandoned shall be retained in storage for a period of ten (10) days after certified mail notice, as provided in Subsection (e)(4)(D) of this Ordinance, has been sent to the title owner in this state or the secured party of record with the state motor vehicle division to permit reclamation after payment of accrued charges. However, if the authorized Town official determines an abandoned vehicle to have a value of less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer prior to the expiration of the ten (10) day storage period and after certified mail notice, as provided in Subsection (e)(4)(D) of this Ordinance, has been sent to the title owner in this state or the secured party of record with the state motor vehicle division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having a value not in excess of \$100.00. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued lawful charges and presentation of the vehicle title or other satisfactory evidence to the authorized Town official to prove an ownership or secured-party interest in the vehicle.
 - (D) Notice to Owner or Secured Party. Certified mail notice, as referred to in this Section, shall notify the title owner in this state of the abandoned vehicle, if any, or the secured party of record with the state motor vehicle division, if any, of the following:

- (i) The vehicle has been deemed abandoned and impounded by the Town;
 - (ii) The year, make, model and serial number of the abandoned vehicle;
 - (iii) The determined value of the abandoned vehicle;
 - (iv) The location where the abandoned vehicle is being stored or held;
 - (v) If the cost of towing and storage costs will exceed the determined value of the abandoned vehicle;
 - (vi) If the abandoned vehicle is not wanted for evidence or other reason, the owner or any secured party has the right to reclaim the vehicle upon payment of all accrued lawful charges within ten (10) days of the date of notice, unless the vehicle has been determined to have a value less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon payment of such charges;
 - (vii) The owner or a secured party's failure to exercise the right to reclaim the vehicle is deemed a waiver of all right, title and interest in the abandoned vehicle and a consent to the sale of the vehicle;
 - (viii) If the vehicle is not reclaimed by its owner or secured party within the ten (10) day period, the vehicle may be sold; and
 - (ix) The owner or secured party may, upon request, be granted a hearing relating to the determinations made with respect to the abandoned vehicle within the period that such vehicle may be reclaimed.
- (5) Sale of Abandoned Vehicles. Any abandoned vehicle impounded by the Town that has not been reclaimed pursuant to this Section, may be sold by public auction sale or public sale calling for the receipt of sealed bids. A class 1 notice, including the description of the vehicle; the name and address of the title owner in this state and the secured party of record, if known; and the time of sale shall be published before the sale. At the public auction sale or public sale, the Town shall accept the highest bid, unless an authorized Town official deems the bid to be inadequate, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Town may readvertise the sale, adjourn the sale to a definite date, or sell the vehicle at a private sale or junk the vehicle.
- (6) Report of Sale or Disposal. Upon the sale of an abandoned vehicle under this Section, a copy of a completed form designed by the State Department of Transportation shall be given to the purchaser of the vehicle enabling the purchaser

to obtain a regular certificate of title for the vehicle. Within five (5) days after the direct sale or disposal of the vehicle, the authorized Town official shall advise the State Department of Transportation of such sale or disposal on a form supplied by the Department. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit any interest in the vehicle, and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person who or organization that makes a written request for such list to the Town. The Town may charge a reasonable fee for the list.

(7) Owner's Responsibility for Impoundment and Disposal Costs.

- (A) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.
- (B) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

History Note: Ordinance No. 17, adopted December 14, 1977; Section (e) adopted through codification; amended December 14, 2004 Ordinance No. 12-2004; amended August 11, 2009, Ordinance NO. 2009-10.

SECTION 12.04 **SPEED LIMITS ON TOWN ROADS**

- (a) No person shall drive a vehicle at a speed in excess of the limitations set forth for the Town roads specified as follows: **[Amended by Ord. 2011-01, 1/11/11 and Ord. 2011-08, 4/26/11.]**

Hooker Road	35 miles per hour
Smith Road	45 miles per hour
South Hemlock Street	25 miles per hour
Tipperary Road between the intersection of Tipperary Road and Wildcat Road and the intersection of Tipperary Road and County Trunk Highway "V" at Whalen Grade	25 miles per hour

- (b) Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. **[Amended by Ord. 2011-06, 3/22/11.]**

History Note: Ordinance No. 10, adopted April 8, 1963; amended through codification; amended December 14, 2004 Ordinance No. 12-2004; amended by Ord. 2011-01 on 1/11/11; amended by Ord. 2011-06 on 3/22/11 and Ord. 2011-08 on 4/26/11.

SECTION 12.06 **LOW SPEED NEIGHBORHOOD VEHICLES****[Created by Ord. 2011-05, 2/22/11.]****(a) Authority and Purpose.**

This section is adopted pursuant to the authority set forth in Wis. Stats. § 349.26 and adopted for the protection of the public health, benefit and welfare of the Town of Dekorra. Low-speed vehicles are not golf carts, but self-propelled, four-wheeled motor vehicles powered by gas or electric energy with a speed range of at least 20 miles per hour, but not more than 35 miles per hour, on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. Permitting operation of such vehicles in the Town of Dekorra will, among other possible benefits, help reduce pollution from vehicle emissions, permit savings from lower fuel consumption, and reduce wear and tear on town roads.

(b) Low-speed Vehicles Permitted.

Subject to all State and local traffic laws, including license requirements, low-speed vehicles may be operated on any public highway within the Town of Dekorra with a speed limit of 35 miles per hour or less. Notwithstanding this section, low-speed vehicles may not be operated on or across expressways, freeways, interstate highways or other controlled access highways.

(c) Requirements.

The operation of low-speed vehicles pursuant to subsection (b), above, applies only to those low-speed vehicles meeting the requirements and conditions set forth herein:

- (1) Electric powered vehicles must have successfully completed the Neighborhood Electric Vehicle America test program conducted by the Federal Department of Energy.
- (2) Electric and gas powered vehicles must meet the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards and must conform to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500 and shall meet the general test conditions under 49 CFR 571.50056.
- (3) Low-speed vehicles shall be equipped with the following:
 - (A) Headlamps;
 - (B) Front and rear turn signals;
 - (C) Stop lamps and tail lamps;

- (D) Reflex reflectors, including one red on each side as far to the rear as practicable, and one red on the rear (three total);
 - (E) An exterior mirror mounted on the driver's side, and either an exterior mirror on the passenger side or an interior rearview mirror;
 - (F) Parking brakes;
 - (G) A windshield that conforms to the requirements of the Federal Motor Vehicle Safety Standard on glazing materials, 49 CFR 571.205;
 - (H) A vehicle identification number that complies with 49 CFR 565; and
 - (I) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Safety Standard No. 209 for each designated seating position.
 - (J) A slow moving vehicle sign is **not** required.
- (4) Headlamps shall be on at all times while the vehicle is in operation.
- (d) **Penalties**
Any person who violates any provision of this section not otherwise prohibited by State statutes or other ordinances shall be subject to a penalty as set forth in Section 1.03 of this Code. All State and local traffic violations committed while operating a low-speed vehicle shall be punishable in the same manner as State or local traffic violations committed by other vehicles
- (e) **Severability**
If any portion of this Ordinance, or its application to any person or circumstances, is held invalid, the validity of this section as a whole, or any other provision herein and its application to other persons or circumstances, shall not be affected.

History Note: Created by Ord. 2011-05, 2/22/11.